



OFFICE CONSOLIDATION
YARD WASTE BY-LAW
BY-LAW NUMBER 15-04

Passed by Council on January 26, 2004

Amendments:

By-Law Number	Date Passed	Section Amended
68-09	June 22 2009	Section 1 Definitions
93-09	Sept 28 2009	Section 1 Definitions Section 2.3 (b)

Note: This consolidation is prepared for convenience only. For accurate reference, the original by-laws should be reviewed.

YARD AND WASTE BY-LAW

Section 1	Definitions
Section 2	General Prohibitions and Requirements
Section 3	Administration and Enforcement
Section 4	Penalties
Section 5	Schedules
Section 6	Short Title
Section 7	Severability
Section 8	Effective Date

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 15-04

BEING A BY-LAW TO REGULATE THE DRAINING,
CLEANING AND CLEARING OF LANDS WITHIN THE
TOWNSHIP OF SCUGOG.

WHEREAS the *Municipal Act, S.O. 2001*, as amended, provides that the Council of the Township of Scugog may pass a By-Law to regulate the draining, cleaning and clearing of any grounds, yards or vacant lots;

AND WHEREAS the Council of the Township of Scugog deems it expedient to pass a By-Law to provide for maintaining lands in a filled up, clean and cleared up condition;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG Enacts As Follows:

Section 1 DEFINITIONS

In this By-Law:

- (a) "Clean and Cleared Up" shall include the trimming or cutting of weeds or grass more than 20 centimeters in height, but will not be limited to the generality of the foregoing.
- (b) "Council" means the Council of the Township of Scugog.
- (c) "Debris" means but is not limited to, any rubbish or materials of any kind and without limiting the generality of the foregoing shall include disused furniture, garden refuse, earth, rock, fill, decaying lumber, materials from construction or demolition projects, discarded appliances, discarded, dilapidated and unused motor vehicles, trailers, machinery or any of their component parts or any other thing deemed as debris by an Officer where no evidence to the contrary exists.
- (d) "Expenses" means the cost of carrying out the work to be done by a notice plus a twenty-five percent (25%) administration fee and shall include the costs of any work contracted out and will include all persons or agencies believed required to carry out the work or ensure the safety of any person carrying out the work.
- (e) "Litter" includes any material left or abandoned in any place other than a receptacle or place it is intended, or approved for such material.
- (f) "Natural Growth Area" includes stormwater ponds or any other lands or property so designated by Council.

- (g) "Notice" means a notice to comply to this By-Law.
- (h) "Occupant" means any person who is in lawful control of any grounds, yard or vacant lot.
- (i) "Officer" means a Municipal Law Enforcement Officer appointed to enforce the By-Laws of the Township of Scugog.
- (j) "Owner" includes any person or persons identified by the most current municipal assessment roll as being the owner of any property.
- (k) "Person" means an individual, firm, corporation, association or partnership, but does not include the Corporation of the Township of Scugog.
- (l) "Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and other erections thereon, whether heretofore or hereafter erected and includes the vacant land and shall include any upper or lower tier municipally owned boulevard, ditch, sidewalk or footpath abutting such property.
- (m) "Standing or Stagnant Water" shall not include standing or stagnant water in any ditch, culvert, drainage work, agricultural field, or other depression in the ground, but shall include standing or stagnant water in a vessel, container or other item capable of holding water where evaporation is the only means of evacuating the water.
- (n) "Township" means the Corporation of the Township of Scugog.

Section 2 GENERAL PROHIBITIONS AND REQUIREMENTS

- 2.1 Every Owner or Occupant shall keep his property drained of standing or stagnant water, clean and cleared up and shall comply with any notice given by a Municipal Law Enforcement Officer.
- 2.2 Provisions of this By-Law shall not apply to lands that are designated natural growth areas and under the control of the Township.
- 2.3 An Officer, by notice, sent by registered mail to the owner or occupant of the property, or by posting the notice in a conspicuous place at the property, or by delivering the notice personally to the owner or occupant, shall require the owner or occupant no less than ninety-six (96) hours:
 - (a) to clear and keep clear his private drainage pipes and drainage ditches and keep them in good repair;
 - (b) to clean, clear up or remove from the property any debris, litter, long weeds and grass, standing or stagnant water; and
 - (c) to drain and fill up any hole, excavation or depression on the property.

- 2.4 A notice sent by registered mail to an owner or occupant of the property shall be sent to the address of the owner as determined by the most current assessment roll of the Township.
- 2.5 A notice sent by registered mail shall be deemed received by the owner or occupant after five (5) calendar days of the date of delivery.
- 2.6 Where an owner or occupant fails to comply with a notice issued by a Municipal Law Enforcement Officer pursuant to this By-Law, within the prescribed period, the Township, in addition to any other remedies:
- (a) shall have the right to carry out the work as required in the notice and for this purpose may, with its servants and agents from time to time, enter in and upon the property; and
 - (b) shall not be liable to compensate such owner, occupant or other person having an interest in the property by reason of anything done by or on behalf of the Township under the provisions of this By-Law; and
 - (c) all expenses incurred by the Township or its agents while performing any work on any property under the provisions of this By-Law shall be payable by the owner or occupant of the subject property and such expenses shall be recoverable in a manner the same as taxes.

Section 3 ADMINISTRATION AND ENFORCEMENT

- 3.1 This By-Law shall be administered by the Municipal Law Enforcement Officer.
- 3.2 This By-Law shall be enforced by the Municipal Law Enforcement Officer.

Section 4 PENALTIES

- 4.1 Every person who contravenes any of the provision of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of any incurred costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended.

Section 5 SHORT TITLE

- 5.1 This By-Law may be referred to as the Yard Waste By-Law.

Section 6 SCHEDULES

- 6.1 Schedule "A" (short form wording) attached hereto does not form part of this By-Law.

Section 7 SEVERABILITY

7.1 If a court of competent jurisdiction should declare any section or part of any section of this By-Law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-Law and it is hereby declared that the remainder of this By-Law shall be valid and shall remain in force.

Section 8 DATE EFFECTIVE

8.1 This By-Law shall come into force as of the date of its passing.

Read a First, Second and Third time and finally passed this 26th day of January, 2004.

(Signed) Marilyn Pearce
MAYOR, Marilyn Pearce

(Signed) Kim Coates
CLERK, Kim Coates

SCHEDULE "A"

THE CORPORATION OF THE TOWNSHIP OF SCUGOG (being a By-Law for regulating cleaning, draining and clearing of land within the Township)

SECTION	OFFENCE	SET FINE
2.1	Fail to drain (standing, stagnant water) within 96 hours	\$ 200.00
2.1	Fail to (clean, clear up) property within 96 hours	\$ 200.00
2.1	Fail to comply with Notice	\$ 200.00
2.3 (a)	Fail to clear drainage (pipes, ditches)	\$ 200.00
2.3 (b)	Fail to (clean, clear up) (debris, litter, Weeds, grass)	\$ 200.00
2.3 (c)	Fail to (drain, fill) (hole, excavation, Depression)	\$ 200.00